



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,340	02/24/2004	Andrew D. Bocking	0590	8776
<div>7590 10/28/2009 RICHARD V. WESTERHOFF Eckert Seamans Cherin & Mellott, LLC 44th Floor 600 Grant St. Pittsburgh, PA 15219</div>				
EXAMINER				
HEFFINGTON, JOHN M				
ART UNIT		PAPER NUMBER		
2179				
MAIL DATE		DELIVERY MODE		
10/28/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/785,340

Applicant(s)

BOCKING, ANDREW D.

Examiner

JOHN HEFFINGTON

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-11 and 13-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6, 9-11 and 13-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This action is in response to the amendment filed 24 June 2009. Claims 1-6, 9-11 and 13-19 are pending and have been considered below.

Response to Arguments

Applicant's arguments filed 24 June 2009 have been fully considered but they are not persuasive.

The applicant has made the following arguments:

With respect to claim 1 It is respectfully submitted that upon considering the disclosures of Keyworth, Cooper and Wagner whether individually or in combination, one skilled in the art would not consider providing "a first indicator of the presence of a number of unread electronic messages received" and "enabling scanning of the unread electronic messages received without reading" and then "altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned" (emphasis added) as recited in claim 1 (and similarly in claims 4 and 11), as neither of the cited references individually, nor in combination disclose or suggest such elements.

Likewise, upon considering the disclosures of Keyworth, Cooper and Wagner, whether individually or in combination, one skilled in the art would not consider providing "a first indicator of the presence of a number of unread electronic messages received, the first indicator including a count to indicate the number of unread electronic messages received" and "enabling scanning of the unread electronic messages received without reading" and then "providing a second indicator at the location on the visual display, the second indicator including a count to indicate the number of unread electronic messages received and an indication that at least one of the unread electronic messages has been received since the unread electronic messages received were last scanned" (emphasis added) as recited in new claim 19.

With respect to the argument, "a first indicator of the presence of a number of unread electronic messages received," the examiner respectfully disagrees. In Keyworth, column 7, lines 6-9, discloses and Figures 6-8 illustrate that a message is assigned its own line of information fields which include whether the message has been previously read (i.e. OLD) or just received (i.e. NEW). Figures 6-8 clearly demonstrate a message count of unread electronic messages.

With respect to the argument, "altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned." the examiner respectfully disagrees. Keyworth discloses the display of indicator boxes employs color coding to alert the subscriber, at a glance, of the current status of incoming and outgoing messages (column 4, lines 42-45). Though message statuses are described in Keyworth, the specific status designations are given merely as examples, therefore, Keyworth does not rule out designating other message statuses not mentioned.

Cooper discloses that a message can be designated with a status from the list of first, last, new, old, read, unread, deleted or urgent (column 3, lines 20-22). Furthermore, Cooper discloses that a user can check messages (column 6, line 62). Further, Cooper discloses that NEW messages are those that have been received since the user last called the VA (and perhaps, since the user last checked messages on a personal

computer). OLD messages include all other messages, even if they have not been read (column 50, lines 41-44). READ messages are those that the user has read with Outlook on a personal computer (column 50, lines 51-54). Clearly, messages designated as NEW are unread electronic messages have been received since the unread electronic messages received were last scanned, i.e. checked the messages. Furthermore a user can check messages and read messages or can check messages and not read them. Both of these are designated as OLD messages. Clearly, the NEW unread messages are distinguished from the OLD unread messages. Therefore, combining the teachings of Keyworth and Cooper provides a teaching of displaying a count of NEW unread messages, altering the icon showing the number of NEW unread messages to show the status of the NEW unread messages and distinguishing between NEW unread messages since the user last checked, or scanned, the messages. In Cooper, all messages designated as NEW would be NEW unread messages since the user last checked, or scanned, the messages, however, Cooper does not appear to disclose displaying a message count of NEW unread messages since user last checked, or scanned, the messages. Keyworth provides the teaching of providing a count of NEW unread messages and providing an additional indicator of a different status. But the combined teachings do not disclose altering the first indicator with a count of new unread electronic messages since the user last checked the messages.

Wagner discloses altering an indicator of a number of messages with a number of messages that have a different status from the messages indicated by the first count.

Combining the teachings of Wagner with the combined teachings of Keyworth and Cooper of displaying a count of NEW unread messages, altering the icon showing the number of NEW unread messages to show the status of the NEW unread messages and distinguishing between NEW unread messages since the user last checked, or scanned, the messages produces providing a count indicator of NEW unread messages and a different count of NEW unread messages since the user last checked, or scanned, the messages.

The applicant further argues that the disclosure that the taggable field value for the status field is "first, last, new, old, read, unread, deleted or urgent" is simply that the status field is one of those values (e.g., first, last, new, old, read, unread, deleted or urgent), not a combination of those (e.g., new read, old read, old unread, new unread) as the Examiner has apparently interpreted. Accordingly, Cooper does not disclose providing an indicator of "old unread" or "old read" as asserted by the Examiner. This argument is irrelevant since the claim requires "a first indicator of the presence of a number of unread electronic messages received," which Keyworth provides and "altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned." Therefore, the claim only requires indicating new received messages and new unread messages. As stated above, Keyworth provides indicating NEW unread messages and Cooper provides designating

messages as NEW unread messages since the user last checked, or scanned, the messages apart from other messages that have not been read. There is no requirement in the claims to distinguish old unread messages from old read messages.

The applicant has argued that the examiner used impermissible hindsight in making the combination of Keyworth, Cooper and Wagner. The examiner respectfully disagrees. As stated above, Keyworth provides the teaching of displaying a first indication of NEW unread messages and an indication of a further status of NEW unread messages by altering the first indication. Cooper provides the teaching of providing an indication of NEW unread messages since the user last checked, or scanned, the messages. Furthermore, Cooper provides checking messages with a graphical program such as Outlook. Cooper does not disclose how the NEW unread messages since the user last checked, or scanned, the messages are indicated. Keyworth provides graphically indicating NEW unread received electronic messages and the graphical mechanism for indicating the NEW unread electronic messages since the user last checked, or scanned, the messages of Cooper by altering the first indication of NEW received messages. Wagner demonstrates that it is known in the art to alter a first indicator of NEW received messages to indicate messages of a different status, therefore, providing the motivation to provide in an electronic message tool the capability of providing a first indicator NEW messages received, altering the first indicator to provide a further status of the NEW unread received messages, as disclosed in Keyworth and Wagner, and

applying this further status to indicate NEW unread messages since the user last checked, or scanned, the messages, for example, using the Outlook message tool.

The applicant argues that there is no motivation for combining Keyworth, Cooper and Wagner. The examiner respectfully disagrees. The examiner believes that there is ample motivation for combining these references other than the one cited in the Office Action dated 1 April 2009. In the passage cited by the examiner for the referenced motivation (column 8, lines 49-62), Keyworth discloses an additional indicator for each message, "when the message was received." Clearly, a message received since the user last checked, or scanned, the messages can be described as "when the message was received." Therefore, it is within the scope of Keyworth to indicate a message received since the user last checked, or scanned the messages. It would be beneficial to Keyworth to add indicating messages received since the user last checked, or scanned the messages because a user may be expecting an important message from a particular person (column 4, lines 42-56). Clearly, if the NEW message indicator is altered to indicate the receipt of a message from this person, the message will be NEW and unread. As disclosed in Cooper, when a user checks messages, if the important message is not displayed, the user may not view any new messages, therefore, they will be designated as OLD, however unread, in Cooper. In this situation, it would be beneficial in Keyworth to be alerted to further NEW messages, perhaps from this important person described in Keyworth.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9-11, 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keyworth et al. (US 5,579,472) in view of Cooper et al. (US 6,466,654 B1), and further in view of Wagner (US 2004/0155908 A1).

Claim 1: Keyworth discloses a method of managing unread electronic messages comprising the steps of:

- a. providing, at a location on a visual display, a first indicator of the presence of a number of unread electronic messages received, the first indicator including a count to indicate the number of unread electronic messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);
- b. enabling scanning of the unread electronic messages received without reading (column 8, lines 49-62, figure 9, 11);

but does not disclose altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned. However, Cooper

discloses distinguishing between new unread messages received since the user last checked, i.e. scanned, messages, old unread messages and old read messages (column 3, lines 20-22, column 6, lines 62, column 50, lines 41-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add an annunciation that new unread electronic messages have been received since the unread electronic messages received were last scanned to Keyworth. One could have been motivated to add an annunciation that new unread electronic messages have been received since the unread electronic messages received were last scanned to Keyworth because, as disclosed in Keyworth, a user must make note of when a message was last received to determine if it is a new unread message since the user last brought up the wireless mail display (column 8, lines 49-62), and including an annunciation of the messages that are new and unread since the user last brought up the wireless message display would provide an easy way for the user to distinguish these messages from other unread messages.

Neither Keyworth nor Cooper disclose altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator. However, Wagner discloses altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator to (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add altering said first indicator to provide a second indicator at

the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator to Keyworth and Cooper. One could have been motivated to add altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator to Keyworth and Cooper to provide an easily distinguishable annunciation to the user for, wherein the user can determine at a glance, new unread messages received since the wireless mail display was last brought, i.e. the messages were last checked.

Claim 2: Keyworth, Cooper and Wagner disclose the method of Claim 1, and Keyworth further discloses the step of providing said first indicator of the presence of unread electronic messages received comprises providing the visual display indicating the presence of unread electronic messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11).

Claim 3: Keyworth, Cooper and Wagner disclose the method of Claim 2, and Wagner further discloses the step of altering said first indicator to provide a second indicator comprises altering the visual display (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the step of altering said first indicator to provide a second indicator that provides an annunciation that some of the unread electronic messages received are new electronic messages that have been received comprises altering the visual display to Keyworth, Cooper and

Wagner. One could have been motivated to add step of altering said first indicator to provide a second indicator that provides an annunciation that some of the unread electronic messages received are new electronic messages that have been received comprises altering the visual display to Keyworth, Cooper and Wagner to provide an easily distinguishable annunciation to the user for, wherein the user can determining at a glance, new unread messages received since the wireless mail display was last brought, i.e. the messages were last checked.

Claim 4: Keyworth discloses a method of managing unread electronic messages comprising the steps of:

- a. providing, at a location on a visual display, a first indicator of the presence of a number of unread electronic messages received, the first indicator including a count to indicate the number of unread electronic messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);
- b. enabling scanning of the unread electronic messages received without reading; and (column 8, lines 49-62, figure 9, 11),
- c. the step of providing said first indicator of the presence of unread electronic messages received comprises providing the visual display indicating the presence of unread electronic messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11), wherein,

but does not disclose

- a. generating a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new electronic messages have been received since the unread electronic messages received were last scanned without reading, wherein,
- b. the step of generating said second indicator that new electronic messages have been received comprises altering the visual display, wherein,
- c. the second indicator is provided in place of, or proximate to, the first indicator, and wherein,
- d. providing the visual display indicating the presence of unread electronic messages received comprises providing an icon indicating the presence of unread electronic messages received and altering the visual display comprises altering the icon to indicate the presence of new electronic messages received.

However, Cooper discloses distinguishing between new unread messages received since the user last checked, i.e. scanned, messages, old unread messages and old read messages (column 3, lines 20-22, column 6, lines 62, column 50, lines 41-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add generating an annunciation that new electronic messages have been received since the unread electronic messages received were last scanned without reading to Keyworth. One could have been motivated to add generating an annunciation that new electronic messages have been received since the unread electronic messages received were last scanned without reading to Keyworth because,

as disclosed in Keyworth, a user must make note of when a message was last received to determine if it is a new unread message since the user last brought up the wireless mail display (column 8, lines 49-62), and including an annunciation of the messages that are new and unread since the user last brought up the wireless message display would provide an easy way for the user to distinguish these messages from other unread messages.

Neither Keyworth nor Cooper disclose

- a. generating a second indicator at, or proximate to, the location on the visual display by altering said first indicator,
- b. the step of generating said second indicator that new electronic messages have been received comprises altering the visual display,
- c. the second indicator is provided in place of, or proximate to, the first indicator,
- d. providing the visual display comprises providing an icon and altering the visual display comprises altering the icon.

However, Wagner discloses

- a. generating a second indicator at, or proximate to, the location on the visual display by altering said first indicator (figure 3),
- b. the step of generating said second indicator that new electronic messages have been received comprises altering the visual display (figure 3),

- c. the second indicator is provided in place of, or proximate to, the first indicator (figure 3),
- d. providing the visual display comprises providing an icon and altering the visual display comprises altering the icon (figure 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add

- a. generating a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new electronic messages have been received since the unread electronic messages received were last scanned without reading, wherein,
- b. the step of generating said second indicator that new electronic messages have been received comprises altering the visual display, wherein,
- c. the second indicator is provided in place of, or proximate to, the first indicator, and wherein,
- d. providing the visual display indicating the presence of unread electronic messages received comprises providing an icon indicating the presence of unread electronic messages received and altering the visual display comprises altering the icon to indicate the presence of new electronic messages received,

to Keyworth and Cooper. One could have been motivated to add

- a. generating a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new electronic messages have been received since the unread electronic messages received were last scanned without reading, wherein,
- b. the step of generating said second indicator that new electronic messages have been received comprises altering the visual display, wherein,
- c. the second indicator is provided in place of, or proximate to, the first indicator, and wherein,
- d. providing the visual display indicating the presence of unread electronic messages received comprises providing an icon indicating the presence of unread electronic messages received and altering the visual display comprises altering the icon to indicate the presence of new electronic messages received.

to Keyworth and Cooper to provide an easily distinguishable annunciation to the user for, wherein the user can determine at a glance, new unread messages received since the wireless mail display was last brought, i.e. the messages were last checked.

Claim 5: Keyworth, Cooper and Wagner disclose the method of Claim 4, and Keyworth further discloses altering the icon comprises at least one selected from the group comprising: flashing, bolding, changing the size, and changing the color of the icon (column 4, lines 42-45).

Claim 6: Keyworth, Cooper and Wagner disclose the method of Claim 4, and Wagner further discloses altering the visual display comprises adding indicia to said first indicator (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add altering the visual display comprises adding indicia to said first indicator to altering the visual display comprises adding indicia to said first indicator to Keyworth, Cooper and Wagner. One could have been motivated to add altering the visual display comprises adding indicia to said first indicator to Keyworth, Cooper and Wagner so that the original information represented by the first indicator is still represented, so that the information represented by the added indicia is communicated without eliminating the original information.

Claims 7-8: (cancelled)

Claim 9: Keyworth, Cooper and Wagner disclose the method of Claim 4, and Wagner further discloses the step of providing a visual display comprises providing an unread mail icon indicating the presence of unread electronic messages along with the count of unread electronic messages, and altering the display comprises altering at least one of the unread mail icon and the count (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the step of providing a visual display comprises providing an unread mail icon indicating the presence of unread electronic messages along with the count of unread electronic messages, and altering the display to indicate the presence of new unread electronic

messages received comprises altering at least one of the unread mail icon and the count to Keyworth, Cooper and Wagner. One could have been motivated to add the step of providing a visual display comprises providing an unread mail icon indicating the presence of unread electronic messages along with the count of unread electronic messages, and altering the display to indicate the presence of new unread electronic messages received comprises altering at least one of the unread mail icon and the count to Keyworth, Cooper and Wagner so that the user will associate the altered icon with an electronic mail receipt.

Claim 10: Keyworth, Cooper and Wagner disclose the method of Claim 9, and Wagner further discloses altering the display comprises adding to the visual display a second count (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add altering the display comprises adding to the visual display a second count of the new unread electronic messages received since the last scan to Keyworth, Cooper and Wagner. One could have been motivated to add altering the display comprises adding to the visual display a second count of the new unread electronic messages received since the last scan to Keyworth, Cooper and Wagner so that the original information represented by the first indicator is still represented, so that the information represented by the added indicia is communicated without eliminating the original information.

Column 11: Keyworth discloses a system for managing electronic messages received, comprising:

- a. a display (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);
- b. a message list of electronic messages received with identification of those that are unread (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);
- c. input means for selectively displaying the message list on the display for scanning for unread messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);
- d. a first indicator at a location on the display for indicating the presence of a number of unread messages, the first indicator including a count to indicate the number of unread electronic messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);

but does not disclose

- a. a second indicator at, or proximate, to the location on the display comprising an alteration to said first indicator which provides a visually distinguishable annunciation of the presence of new unread electronic messages received since the message list was last displayed without reading, and
- b. wherein the second indicator is provided in place of, or proximate to, the first indicator.

However, Cooper discloses distinguishing between new unread messages received since the user last checked, i.e. scanned, messages, old unread messages and old read messages (column 3, lines 20-22, column 6, lines 62, column 50, lines 41-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add annunciation of the presence of new unread electronic messages received since the message list was last displayed without reading to Keyworth. One could have been motivated to add annunciation of the presence of new unread electronic messages received since the message list was last displayed without reading to Keyworth because, as disclosed in Keyworth, a user must make note of when a message was last received to determine if it is a new unread message since the user last brought up the wireless mail display (column 8, lines 49-62), and including an annunciation of the messages that are new and unread since the user last brought up the wireless message display would provide an easy way for the user to distinguish these messages from other unread messages.

Neither Keyworth nor Cooper disclose a second indicator at, or proximate, to the location on the display comprising an alteration to said first indicator which provides a visually distinguishable annunciation, and wherein the second indicator is provided in place of, or proximate to, the first indicator. However, Wagner discloses a second indicator at, or proximate, to the location on the display comprising an alteration to said first indicator which provides a visually distinguishable annunciation, and wherein the second indicator is provided in place of, or proximate to, the first indicator (figure 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a second indicator at, or proximate, to the location on the display comprising an alteration to said first indicator which provides a visually distinguishable annunciation of the presence of new unread electronic messages received since the message list was last displayed without reading, and wherein the second indicator is provided in place of, or proximate to, the first indicator to Keyworth and Cooper to Keyworth and Cooper. One could have been motivated to add a second indicator at, or proximate, to the location on the display comprising an alteration to said first indicator which provides a visually distinguishable annunciation of the presence of new unread electronic messages received since the message list was last displayed without reading, and wherein the second indicator is provided in place of, or proximate to, the first indicator to Keyworth and Cooper to Keyworth and Cooper to provide an easily distinguishable annunciation to the user for, wherein the user can determining at a glance, new unread messages received since the wireless mail display was last brought, i.e. the messages were last checked.

Claim 12: (cancelled)

Claim 13: Keyworth, Cooper and Wagner disclose the system of Claim 11, and Keyworth further discloses the annunciation of the presence of new unread electronic messages received comprises an alteration to the count of unread electronic messages

received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11).

Claim 14: Keyworth, Cooper and Wagner disclose the system of Claim 13, and Keyworth further discloses the alteration to the count comprises at least one of: bolding the count, flashing the count, changing the size of the count and changing the color of the count (column 4, lines 42-45).

Claim 15: Keyworth, Cooper and Wagner disclose the system of Claim 11, and Wagner further discloses the second indicator comprises additional indicia on the display (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the second indicator comprises additional indicia on the display to to Keyworth, Cooper and Wagner. One could have been motivated to add the second indicator comprises additional indicia on the display to to Keyworth, Cooper and Wagner so that the original information represented by the first indicator is still represented, so that the information represented by the added indicia is communicated without eliminating the original information.

Claim 16: Keyworth, Cooper and Wagner disclose the system of Claim 11 and Wagner further discloses the step of providing a visual display comprises providing an unread message icon indicating the presence of unread electronic messages along with the count of unread electronic messages, and altering the display comprises altering at least one of the unread message icon and the count (figure 3). Therefore, it would have

been obvious to one having ordinary skill in the art at the time of the invention to add the second indicator comprises a message icon on the display adjacent the count of unread electronic messages received and the annunciation of the presence of new unread electronic messages received since the message list was last displayed comprises altering the message icon to Keyworth, Cooper and Wagner. One could have been motivated to add the second indicator comprises a message icon on the display adjacent the count of unread electronic messages received and the annunciation of the presence of new unread electronic messages received since the message list was last displayed comprises altering the message icon to Keyworth, Cooper and Wagner so that the user will associate the altered icon with an electronic mail receipt.

Claim 17: Keyworth, Cooper and Wagner disclose the system of Claim 16, and Keyworth further discloses the altering the message icon comprises at least one of: bolding the icon, flashing the icon, changing the size of the icon and changing the color of the icon (column 4, lines 42-45).

Claim 18: Keyworth, Cooper and Wagner disclose the system of Claim 11, and Wagner further discloses the second indicator comprises a second count (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the second indicator comprises a second count, which is a count of the new unread electronic messages received to Keyworth, Cooper and Wagner. One could have been motivated to add the second indicator comprises a second count,

which is a count of the new unread electronic messages received to to Keyworth, Cooper and Wagner so that the original information represented by the first indicator is still represented, so that the information represented by the added indicia is communicated without eliminating the original information.

Claim 19: Keyworth discloses a method of managing unread electronic messages comprising the steps of:

- a. providing, at a location on a visual display, a first indicator of the presence of a number of unread electronic messages received, the first indicator including a count to indicate the number of unread electronic messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);
- b. enabling scanning of the unread electronic messages received without reading; and (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11),

but does not disclose providing a second indicator at the location on the visual display, the second indicator including a count to indicate the number of unread electronic messages received and an indication that at least one of the unread electronic messages has been received since the unread electronic messages received were last scanned. However, Cooper discloses distinguishing between new unread messages received since the user last checked, i.e. scanned, messages, old unread messages and old read messages (column 3, lines 20-22, column 6, lines 62, column 50, lines 41-44). Therefore, it would have been obvious to one having ordinary skill in the art at the

time of the invention to add an annunciation to indicate the number of unread electronic messages received and an indication that at least one of the unread electronic messages has been received since the unread electronic messages received were last scanned to Keyworth. One could have been motivated to add an annunciation to indicate the number of unread electronic messages received and an indication that at least one of the unread electronic messages has been received since the unread electronic messages received were last scanned to Keyworth because, as disclosed in Keyworth, a user must make note of when a message was last received to determine if it is a new unread message since the user last brought up the wireless mail display (column 8, lines 49-62), and including an annunciation of the messages that are new and unread since the user last brought up the wireless message display would provide an easy way for the user to distinguish these messages from other unread messages.

Neither Keyworth nor Cooper disclose a second indicator at the location on the visual display, the second indicator including a count. However, Wagner discloses altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator to (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a second indicator at the location on the visual display, the second indicator including a count to indicate the number of unread electronic messages received and an indication that at least one of the unread electronic messages has been received since the unread electronic messages received were last

scanned to Keyworth and Cooper. One could have been motivated to add a second indicator at the location on the visual display, the second indicator including a count to indicate the number of unread electronic messages received and an indication that at least one of the unread electronic messages has been received since the unread electronic messages received were last scanned to Keyworth and Cooper to provide an easily distinguishable annunciation to the user for, wherein the user can determining at a glance, new unread messages received since the wireless mail display was last brought, i.e. the messages were last checked.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. HEFFINGTON whose telephone number is (571)270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sara M Hanne/
Primary Examiner, Art Unit 2179

JMH
10/23/09